

**AMENDED Amendment 3 to Council Bill No. 35-2013**

**BY: Calvin Ball**

**Legislative Day No. 10**

**Date: July 25, 2013**

**Amendment No. 3**

*(The amendment sets the fee in lieu collected by the Department and provides for an annual increase.)*

1 On page 3, strike line 11 and substitute:

2 “UNIT IN THE DEVELOPMENT OR PORTION OF THE DEVELOPMENT THAT IS NOT PROVIDING  
3 MIHUS ONSITE:”

4 On page 3, strike lines 12 through 31 and substitute the following:

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6 “(1) THE FEE-IN-LIEU FOR FISCAL YEAR 2014 SHALL BE \$2 PER SQUARE FOOT OF  
7 RESIDENTIAL SPACE FOR EACH UNIT IN THE DEVELOPMENT AS CALCULATED FOR THE  
8 BUILDING EXCISE TAX, SECTION 20, SUBTITLE 5 OF THE HOWARD COUNTY CODE OF  
9 MARYLAND;

10 (2) THE FEE-IN-LIEU SHALL BE SET YEARLY BY COUNCIL RESOLUTION BASED UPON  
11 THE PERCENTAGE OF INCREASE IN THE ENR CONSTRUCTION COST INDEX FOR THE  
12 BALTIMORE REGION AS REPORTED IN ENR, ENGINEERING NEWS RECORD;

13 (3) THE FEE-IN-LIEU SHALL BE PUBLISHED ON THE COUNTY’S WEBSITE TOGETHER  
14 WITH THE BASE SALES PRICES AND RENTS FOR MODERATE INCOME HOUSING UNITS;”

15 On page 3, strike lines 32 and 33 and substitute:

16 “(5) IF THE DEVELOPER CHOOSES TO PROVIDE A PORTION OF THE REQUIRED MIHUS ON  
17 SITE, THE FEE SHALL BE PRORATED ACCORDINGLY.”

18 On page 4, strike lines 1 and 2, inclusive and in their entirety.

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20 On page 4, in line 3, strike “A” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (A)  
21 OF THIS SECTION, A”

22 Renumber the remaining sections accordingly.

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2 One page 4, in line 14, insert “**Section 2. And Be It Further Enacted** by the County  
3 Council of Howard County, Maryland, that the provisions of this Act shall apply to  
4 developments that are not technically complete prior to the effective date of this act.”

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6 Renumber the remaining sections accordingly.

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